IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE HON''BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 3281 of 2005

Between:

Syed Babu, s/o.Share Ali,

Aged about 32 years,Muslim,r/o.No.19-2-11,

Kalapathar,Hyderabad.

..... PETITIONER

AND

1.The Joint Transport Commissioner and Secretary,

Regional Transport Authority,Hydrabad Central,Khairatabad,Hyderabad.

2.The Assistant Secretary,

Regional Transport Authority,

Hyderabad South Zone,Bahadurpura,Hyderabad.

3.The Motor Vehicles Inspectror,

Miryalaguda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the seizure and continued detention of petitioner's Heavy Goods Vehicle bearing Regd.No. ATT 2566 seized under vehicle Check Report No. 406707 dated 2-10-1999 by the 3rd respondent i.e. the Motor Vehicles Inspector, Miryalaguda,Nalgonda District as illegal, unjust, arbitrary, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's Heavy Goods Vehicle bearing Regd. No.ATT 2566 to the petitioner.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following :

ORDER: **(Per MR.JUSTICE T.CH.SURYA RAO)**

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

Having regard to the facts and circumstances of the case, we are inclined to dispose of the instant writ petition itself at the threshold.

The vehicle bearing registration No. ATT 2566 is a heavy goods vehicle, which was seized under the Vehicle Check Report No. 406707 dated 02-10-1999 by the Motor

Vehicles Inspector, Miryalguda for the alleged infraction of not producing the R.C.Book and not producing the proof of tax for the quarter ending 30th September,1999, apart from other violations. On a show cause notice issued to the petitioner, the petitioner approached the 1st respondent authority and submitted his explanation and simultaneously sought for release of the vehicle. It is now his grievance that no action has been taken on the explanation submitted by him so far, nor the vehicle has been released in his favour.

We are not inclined to express anything as regards to the merits of the case, inasmuch as the matter is still pending investigation by the authority concerned namely the 1st respondent in accordance with the provisions contained in the Motor Vehicles Act and the Motor Vehicles Taxation Act. Since the vehicle in question was seized on 2-10-1999 and has not yet been released, we are inclined to give appropriate direction for the release of the vehicle taking into consideration of tax liability of the petitioner, on adhoc basis.

Accordingly, the writ petition is disposed of by the following direction:

The vehicle in question namely heavy goods vehicle bearing registration No. ATT 2566 shall be released in favour of the petitioner subject to the condition of the petitioner paying Rs.6,522/- towards tax due on adhoc basis and subject to furnishing an undertaking that he shall not sell, alienate or otherwise dispose of the vehicle in question until further orders or the enquiry in regard thereto is completed in accordance with law. Under the circumstances, there shall be no order as to costs.

M.H.S.ANSARI,J

T.CH.SURYA RAO,J

23-02-2005

Note:

C.C. on priority basis.

B/O.

Stp

To:

1.The Joint Transport Commissioner and Secretary,

Regional Transport Authority,Hydrabad Central,Khairatabad,Hyderabad.

2.The Assistant Secretary,

Regional Transport Authority,

Hyderabad, South Zone,Bahadurpura,Hyderabad.

3.The Motor Vehicles Inspectror,

Miryalaguda, Nalgonda District.

4) 2 CCs to G.P. for Transport, A.P.High Court Buildings,(OUT)

5) 2 CD copies